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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,792	09/19/2003	Scott Thomas Mazar	279.B10US1	6737

21186 7590 07/23/2009
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EXAMINER

PAULS, JOHN A

ART UNIT	PAPER NUMBER
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3686

NOTIFICATION DATE	DELIVERY MODE
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07/23/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
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Office Action Summary

Application No.

10/665,792

Applicant(s)

MAZAR ET AL.

Examiner

JOHN A. PAULS

Art Unit

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,13-31,33-42,44-54 and 56-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,13-31,33-42,44-54 and 56-60 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to the communication filed on 26 May, 2009.
2. Claims 1, 4, 14, 15, 17 – 20, 22 – 25, 27, 28, 30, 31, 33, 34, 36, 51 – 53 and 56 – 59 have been amended.
3. Claims 2, 3, 11, 12, 32, 43, 55 and 61 have been cancelled.
4. Claims 1, 4 – 10, 13 – 31, 33 – 42, 44 – 54 and 56 – 60 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 34 – 42, 44 – 54 and 56 – 60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 34 and 36 recite the limitation "*automatically identified person*". There is insufficient antecedent basis for this limitation in the claim. Claims 35, 37 - 42 and 44 - 46 recite the limitation "*automatically identifying a person*". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The *following* is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 4, 13, 14, 16, 17, 26, 27, 30, 33 – 36, 44 – 46, 49, 53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Leven (US PGPUB 2004/0172290 A1).

CLAIMS 1 and 33

Leven as shown discloses a health monitoring device and an analysis system and method and method with the following limitations:

- *a publicly accessible information access portal configured to convey patient health data and other information to an authorized, uniquely identified person in a multi-media presentation; (see at least Leven paragraph 0022, 0025, 0036, 0044 and 0048);*
- *the publicly accessible information access portal comprising: an interface to a patient management system configured to store patient health data and analyze patient health data using at least one clinically derived procedure consistent with a standard of medical care; and an interface to an implantable medical device configured to sense and transmit patient health data comprising a proximity recognition system; (see at least Leven paragraph 0022, 0025, 0036, 0041 and 0048);*

- *a recognition module, separate from the implantable medical device, and configured to detect the proximity recognition system in the implantable medical device, uniquely identify the implantable medical device using the proximity recognition system, and authorize access to a person implanted with the implantable medical device to the publicly accessible information access portal; (see at least Leven paragraph 0036, 0041 and 0044).*

CLAIM 34

Leven as shown discloses a health monitoring device and an analysis system and method with the following limitations:

- *detecting, at an electronic recognition module, a proximity recognition system in an implantable medical device implanted in the person; (see at least Leven paragraph 0041);*
- *granting the person access to a publicly accessible information access portal when the electronic recognition module positively identifies the person as one with a right to access the publicly accessible information access portal; (see at least Leven paragraph 0036 and 0041);*
- *conveying information in the form of physiometric data to the automatically identified person through the information access portal; (see at least Leven paragraph 0022, 0025, 0035, 0036 and 0048);*
- *conveying other information to the automatically identified person through the information access portal; (see at least Leven paragraph 0036, 0044 and 0048).*

CLAIMS 4, 13, 14, 16, 17, 26, 27 and 30

Leven as shown discloses the limitations shown above relative to Claim 1. Leven also discloses the following limitations:

- *the patient management system is remote from the information access portal;* (see at least Leven paragraph 0041);
- *the information access portal conveys information;* (see at least Leven paragraph 0022, 0035, 0036 and 0048);
- *the conveyed information is conveyed in a multi-media presentation;* (see at least Leven paragraph 0036);
- *the information access portal conveys physiometric information;*
- *the physiometric information is conveyed in a multi-media presentation;*
- *the information access portal comprises a home interface system;* (see at least Leven paragraph 0038);
- *the home interface system comprises a personal computing device;* (see at least Leven paragraph 0038);
- *the information access portal comprises a publicly accessible terminal;* (see at least Leven paragraph 0048).

CLAIMS 35, 36, 44 – 46, 49 and 54

Leven as shown discloses the limitations shown above relative to Claim 34. Leven also discloses the following limitations:

- *implanting an identifiable medical device within the person;* (see at least Leven paragraph 0008 and 0025);

- *allowing the automatically identified person to enter information into the access portal;*
(see at least Leven paragraph 0036, 0041, 0044 and 0048);
- *identifying a patient; (see at least Leven paragraph 0015, 0027 and 0041);*
- *identifying a clinician; (see at least Leven paragraph 0042);*
- *identifying a person authorized to access the access portal; (see at least Leven paragraph 0036, 0041, 0044 and 0048);*
- *conveying physiometric data in a multi-media format; (see at least Leven paragraph 0036);*
- *comparing the physiometric data of the person to the physiometric data from a population of persons; (see at least Leven paragraph 0009, 0022, 0036 and 0041)*

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claim 53 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Leven (US PG PUB 2004/0172290 A1).

- *conveying data comprising cardiovascular data, electro-chemical data, blood chemistry data, temperature data, wedge pressure data, oxygen saturation data, weight data, subjective wellbeing data, blood pressure data, EKG data or other physiological or psychological data;* (see at least Leven paragraph 0025).

Leven discloses the limitations shown above. Leven does not specifically disclose that the data includes “*wedge pressure data, weight data and subjective wellbeing data*”. However, Leven does disclose that additional sensors can be used. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the health monitoring device and analysis system of Leven/Seigel so as to have included “*wedge pressure data, weight data and subjective wellbeing data*”, in order to allow for additional sensors to be monitored, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

12. Claims 21, 22, 24, 25, 28, 29, 31 and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Leven (US PG PUB 2004/0172290 A1) and in further view of Seigel et al. (US PG PUB 2001/0051879 A1).

CLAIMS 21, 22, 24, 25, 28, 29, 31 and 50

Leven as shown discloses the limitations shown above relative to Claims 1 and 34 respectively.

Leven does not disclose the following limitations, however, Siegel does:

- *the information access portal conveys other information;* (see at least Seigel paragraph 0011);
- *the other information is conveyed in a multi-media presentation;* (see at least Seigel paragraph 0262);
- *the person can configure the other information;* (see at least Seigel paragraph 0014);
- *the other information comprises at least one of: a current event report, a stock price, a weather report, a sports report and an economic report;* (see at least Seigel paragraph 0083, 0098 and 0153);
- *the home interface system comprises a portable personal computing device;* (see at least Seigel paragraph 0016);
- *the information access portal comprises a kiosk;* (see at least Seigel paragraph 0016);
- *the information access portal comprises a publicly accessible terminal;* (see at least Seigel paragraph 0060).

Seigel discloses an information distribution system which includes conveying a variety of information based on a user's identification. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the health monitoring device and an analysis system of Leven so as to have included conveying a variety of information based on a user's identification, in accordance with the teaching of Seigel, in order to allow for effective distribution of information based on a user's identification, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

13. Claims 5 – 10 and 37 - 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Leven (US PG PUB 2004/10172290 A1) and in further view of Walker et al. (US PG PUB 2002/10013173 A1).

CLAIMS 5 – 10 and 37 - 42

Leven as shown discloses the limitations above relative to Claims 1 and 34 respectively. Leven does not specifically disclose the following limitations, however, Walker does:

- *the recognition module comprises a fingerprint recognition system; (see at least Walker paragraph 0055);*
- *the recognition module comprises a security access card system; (see at least Walker paragraph 0083);*
- *the recognition module comprises a bar code scanning system; (see at least Walker paragraph 0083);*
- *the recognition module comprises a voice recognition system; (see at least Walker paragraph 0055);*
- *the recognition module comprises a facial- identification system; (see at least Walker paragraph 0083);*
- *the recognition module comprises a retinal scan recognition system; (see at least Walker paragraph 0055).*

Walker discloses an identification system which includes fingerprints, access cards, bar codes, and voice, facial and retinal recognition to establish a user's identification. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have

modified the health monitoring device and an analysis system of Leven so as to have included fingerprints, access cards, bar codes, voice, facial and retinal recognition to establish a user's identification, in accordance with the teaching of Walker, in order to allow for the capability to positively identify a person would allow confidential information to be easily protected, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Examiner notes that the specification in the present application discloses that identifying a person is now possible through fingerprint, security access card, proximity, voice, facial and retinal scans. (see Background pages 2 and 3). Such disclosure constitutes applicant's own admission of prior art.

14. Claims 19, 20, 47 and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Leven (US PG PUB 2004/10172290 A1) and in further view of Kalgren et al. (US PG PUB 2002/10077562 A1).

CLAIMS 19, 20, 47 and 48

Leven as shown discloses the limitations above relative to Claims 1 and 34 respectively. Leven does not specifically disclose the following limitations, however, Kalgren does:

- *the physiometric information comprises static information;* (see at least Kalgren paragraph 0008);
- *the physiometric information comprises trended information;* (see at least Kalgren paragraph 0010 and 0058).

Kalgren discloses patient health information system which includes displaying static and trended information. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the health monitoring device and an analysis system of Leven so as to have included displaying static and trended information, in accordance with the teaching of Kalgren, in order to allow a physician to efficiently process large amounts of data and provides a variety of clinically useful functions with which to treat patients, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

15. Claims 15, 18, 23, 51 and 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Leven (US PG PUB 2004/10172290 A1) and in further view of Seigel et al. (US PG PUB 2001/10051876 A1) and in further view of Konrad (US 5,544,320 A).

CLAIMS 15, 18 and 51

Leven as shown discloses the limitations shown above relative to Claims 1 and 34 respectively.

Additionally, Seigel discloses:

- *The multi-media presentation comprises audio, video and tactile presentations; (see at least Seigel paragraph 0071, 0150).*

Seigel discloses an information distribution system which includes multi-media presentations. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the health monitoring device and an analysis system of Leven so as to have included multi-media presentations, in accordance with the teaching of Seigel, in order to allow for the capability view health information in a variety of formats and to allow a user to

customize the presentation in accordance with their needs, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Leven/Seigel does not specifically disclose the following limitation, however, Konrad does:

- *tactical presentations*; (see at least Konrad column 9 line 25 - 33 and column 13 Table 1 line 32 - 36).

Konrad discloses an information distribution system which includes tactile presentations.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the health monitoring device and an analysis system of Leven/Seigel so as to have included tactile presentations, in accordance with the teaching of Konrad, in order to allow for the capability view health information in a variety of formats and to allow the capability to view health information in a tactile presentation so that visually impaired persons could access to this information, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

CLAIMS 23 and 51

The combination of Leven/Seigel as shown discloses the limitations shown above relative to Claim 1 and 34 respectively. Additionally, Seigel discloses:

- *The multi-media presentation comprises audio, video and tactile presentations*; (see at least Seigel paragraph 0071, 0150).

Seigel discloses an information distribution system which includes multi-media presentations. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the health monitoring device and an analysis system of Leven so as to have included multi-media presentations, in accordance with the teaching of Seigel, in order to allow for the capability view health information in a variety of formats and to allow a user to customize the presentation in accordance with their needs, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Leven/Seigel does not specifically disclose the following limitation, however, Konrad does:

- *tactical presentations*; (see at least Konrad column 9 line 25 - 33 and column 13 Table 1 line 32 - 36).

Konrad discloses an information distribution system which includes tactile presentations. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the health monitoring device and an analysis system of Leven/Seigel so as to have included tactile presentations, in accordance with the teaching of Konrad, in order to allow for the capability view health information in a variety of formats and to allow the capability to view health information in a tactile presentation so that visually impaired persons could access to this information, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

16. Claim 60 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Leven (US PG PUB 2004/10172290 A1) and in further view of Seigel et al. (US PG PUB 2001/10051876 A1) and in further view of Treyz et al. (US 6,526,335 B1).

CLAIM 60

Leven as shown discloses the limitations shown above relative to Claim 34. Leven does not specifically disclose the following limitation, however, Seigel does:

- *conveying data comprising reports of current events, weather, sports, and other information;* (see at least Seigel paragraph 0083, 0098 and 0153).

Seigel discloses an information distribution system which includes multi-media presentations. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the health monitoring device and an analysis system of Leven so as to have included multi-media presentations, in accordance with the teaching of Seigel, in order to allow for the capability view information in a variety of formats and to allow a user to customize the presentation in accordance with their needs, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Leven/Seigel as shown discloses the limitations shown above. The combination of Leven/Seigel does not specifically disclose the following limitation, however, Treyz does:

- *stock prices, economic information;* (see at least Treyz column 1 line 9 - 13).

Treyz discloses a computer system which includes displaying stock prices and economic information. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the health monitoring device and an analysis system of Leven/Seigel so as to have included stock prices and economic information, in accordance with the teaching of Treyz, in order to allow for the capability view stock prices and economic information, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

17. Claims 56 - 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Leven (US PG PUB 2004/10172290 A1) and in further view of Iliff et al. (US 6,234,964 B1).

CLAIM 58

The combination of Leven as shown discloses the limitations shown above relative to claim 34.

Additionally, Leven discloses the following limitation:

- *comparing the physiometric data of the person to the physiometric data from a population of persons, said population physiometric data being selected by a clinician;*
(see at least Leven paragraph 0009, 0022, 0036 and 0041).

Examiner notes that Leven discloses "reference models" which have the same meaning as "populations" in the present application.

CLAIMS 56, 57 and 59

Leven as shown discloses the limitations shown above relative to Claim 54. Leven does not specifically disclose the following limitation, however, Iliff does:

- *comparing the physiometric data of the person to the physiometric data from a population of persons with a health profile similar to the person; (see at least Lliff column 2 line 49 - 56 and column 19 line 39 - 41 and line 61 - 67);*
- *comparing the physiometric data of the person to the physiometric data from a population of persons, the population physiometric data being selected by the person; (see at least Lliff column 5 line 49 - 67; column 11 line 17 - 25; and column 19 line 39 - 41 and line 61 - 67);*
- *comparing the physiometric data of the person to the physiometric data from a population of persons, the population physiometric data being selected by another person so authorized to compare and select the data; (see at least Lliff column 5 line 49 - 67; column 11 line 17 - 25 and column 19 line 39 - 41 and line 61 - 67).*

Lliff discloses a disease management system which includes comparing data to a population of persons. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the health monitoring and analysis system of Leven/Seigel so as to have included comparing data to a population of persons, in accordance with the teaching of Lliff, in order to allow a user to measure their condition against a reference and also to gain information about successful treatments, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Response to Arguments

Applicant's arguments filed on 26 May, 2009 have been fully considered but they are not persuasive. Applicant's amendment dated 26 May, 2009 has necessitated new grounds of rejection as set forth above.

Applicant argues that Leven as cited fails to disclose a recognition module configured to detect the proximity recognition system in the IMD. Applicant argues that Leven discloses a detection scheme that is initiated from the medical device, not from a separate recognition module.

Examiner respectfully disagrees.

With respect to Claim 33 applicant has not claimed a "separate recognition module". With respect to Claim 1, Leven as cited discloses a facility with wireless communication equipment used to establish communication and identify the user of an IMD (see paragraph 0041 and 0048). Since the facility's wireless communication equipment is clearly not a component of the IMD it constitutes a separate device.

With respect to both Claims 1 and 33, applicant has not claimed, nor disclosed in the specification, that the recognition module initiated the detection of the IMD. Applicant has claimed a "recognition module configured to detect the proximity recognition system in the IMD". In the specification (page 9 line 18 – 27), applicant discloses that recognition of the IMD by the recognition module requires "approach(ing) the portal to a distance that allows the recognition module to communicate with the proximity recognition system". Nothing in the claims or specification of the present application discloses how recognition is accomplished. Leven as cited discloses a proximity recognition system that also requires an operative wireless

communication link to be detected and a connection is made (communication). Recognition is accomplished in the Leven disclosure by way of transmission of a unique identifier once communication is established.

Applicant argues that Leven fails to disclose an implantable medical device relative to Claim 33. Applicant's argument has been fully considered but is moot in light of the amended claim and the new grounds of rejection.

Applicant argues that Claims 5 – 10, 21 – 25, 28 – 31, 33 – 42, 44 – 54 and 56 – 60 are patentable because they incorporate all of the limitations of Claims 1 and 34 respectively. However, Examiner maintains the rejection of Claims 1 and 34 and of the dependant claims thereof.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John A. Pauls** whose telephone number is **(571) 270-5557**. The Examiner can normally be reached on Monday to Friday 7:30 to 5:00 4/5/9. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Jerry O'Connor** can be reached at **571.272.6787**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **(571) 273-8300**.

Application: 10/665,792

Paper No. 20090715

Art Unit: 3686

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/J. A. P./

Examiner, Art Unit 3686

Date: 20 July, 2009

/Gerald J. O'Connor/

Supervisory Patent Examiner

Group Art Unit 3686